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In re Application of

SIZER et al.

Application No.: 10/565,402

PCT No.: PCT/US2004/022892

Int. Filing Date: 15 July 2004

Priority Date: 22 July 2003

Atty. Docket No.: 010335WOJZFOMNZ . . .

For: BASE-COAT IN-MOLD COATING

DECISION

This decision is issued in response to applicants' "Requests for Recognition as Representative, Corrected Filing Receipt and Corrected (35 U.S.C.) 371 Acceptance Letter" filed on 01 June 2010.

**BACKGROUND**

On 23 January 2006, applicants filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a copy of the international application; and a preliminary amendment.

In response to the Notification of Missing Requirements dated 24 July 2006, applicants filed an executed declaration of inventors on 11 September 2006.

On 26 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 11 September 2006 and a 35 U.S.C. 371 completion date of 23 May 2010.

On 01 June 2010, applicants filed "Requests for Recognition as Representative, Corrected Filing Receipt and Corrected (35 U.S.C.) 371 Acceptance Letter" considered herein.

**DISCUSSION**

Applicants request that the date of completion of all 35 U.S.C. 371 requirements on the Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495 should be corrected to 11 September 2006. The Notification of Acceptance of Application

under 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) indicates the date of receipt of the 37 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements and it also indicates the date of completion of all 35 U.S.C. 371 requirements. Here, applicants submitted an executed declaration on 11 September 2006, which is the date set forth in 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). Accordingly, the Notification of Acceptance will indicate 11 September 2006 as the date that the all 35 U.S.C. 371 requirements were met.<sup>1</sup> Therefore, the correction of the Notification of Acceptance to indicate a "Date of Completion of all 35 U.S.C. 371 Requirements" of 11 September 2006 is proper.

### CONCLUSION

Applicants' request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance is GRANTED.

The Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 26 May 2010 are hereby VACATED.

The National Stage Processing Branch of the International Division will be instructed to issue a corrected Notification Of Acceptance (Form PCT/DO/EO/903) identifying the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date as 11 September 2006 and a date of completion of all 35 U.S.C. 371 requirements as 11 September 2006. Additionally, a corrected Official Filing Receipt will be issued.



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<sup>1</sup>As discussed in MPEP §1893.03(b), the "Date Of Completion Of all 35 U.S.C. 371 Requirements" listed on the Notification Of Acceptance is not necessarily the same date as the date of receipt of the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). Rather, the MPEP sets forth the following criteria for determining the correct "Date Of Completion Of All 35 U.S.C. 371 Requirements." In this application, the "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is ... (B) the latest of the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4).